

# **Exhibit A-1**

## **Email Exchange**

**Morgan, Scott H.**

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**From:** Dennis A Lienhardt <DAL@millerlawpc.com>  
**Sent:** Wednesday, January 10, 2024 12:02 PM  
**To:** Morgan, Scott H.; D'Aunoy, Stephen A.; Azar, Thomas; Perkins, Raymond C.; Murray, Donna K.; 'fred.fresard@kleinthomaslaw.com'; 'ian.edwards@kleinthomaslaw.com'; 'Anne Stackpoole'; 'Brandon Boxler'; Cavins, Brenda S.  
**Cc:** E. Powell Miller; Dana E. Fraser; 'steve@hbsslaw.com'; 'toml@hbsslaw.com'; Shelby Smith; 'nmccarthy@cpmlegal.com'; 'kswope@cpmlegal.com'; 'gmb@cglaw.com'; Bassier, Stephen R.; Ward, Sam M.; Rachel Fitzpatrick  
**Subject:** RE: In re Chrysler Pacifica Fire Recall Products Liability Litigation - FCA US LLC's Letter re Discovery

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Hi Scott,

We do believe that the current prevalence of COVID-19, the flu, and RSV is significant and would impose a burden and unnecessary health risks to Plaintiffs who have to travel for depositions that can be just as easily conducted via Zoom. In addition, many of the Plaintiffs have specific circumstances that would make traveling for depositions burdensome. We are happy to discuss those with you if FCA is amenable to cooperating on remote depositions.

However, Plaintiffs will not agree to signing a declaration that they will not travel in the future for any reason, including for a trial that has not even been set yet and is likely multiple years away. If FCA is going to refuse to conduct a remote deposition unless such a declaration is signed, then I believe we are at impasse on this issue and a recitation of each Plaintiff's specific hardships seems unnecessary.

Talk to you at 3 pm ET.

**Dennis A. Lienhardt, Jr.**

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**From:** Morgan, Scott H. <SMorgan@thompsoncoburn.com>  
**Sent:** Monday, January 8, 2024 5:21 PM  
**To:** Dennis A Lienhardt <DAL@millerlawpc.com>; D'Aunoy, Stephen A. <SDAunoy@thompsoncoburn.com>; Azar, Thomas <TAzar@thompsoncoburn.com>; Perkins, Raymond C. <RPerkins@thompsoncoburn.com>; Murray, Donna K. <DMURRAY@thompsoncoburn.com>; 'fred.fresard@kleinthomaslaw.com' <fred.fresard@kleinthomaslaw.com>; 'ian.edwards@kleinthomaslaw.com' <ian.edwards@kleinthomaslaw.com>; 'Anne Stackpoole' <Anne.Stackpoole@kleinthomaslaw.com>; 'Brandon Boxler' <Brandon.Boxler@kleinthomaslaw.com>; Cavins, Brenda S. <BCavins@thompsoncoburn.com>  
**Cc:** E. Powell Miller <epm@millerlawpc.com>; Dana E. Fraser <DEF@millerlawpc.com>; 'steve@hbsslaw.com' <steve@hbsslaw.com>; 'toml@hbsslaw.com' <toml@hbsslaw.com>; Shelby Smith <shelby@hbsslaw.com>; 'nmccarthy@cpmlegal.com' <nmccarthy@cpmlegal.com>; 'kswope@cpmlegal.com' <kswope@cpmlegal.com>; 'gmb@cglaw.com' <gmb@cglaw.com>; Bassier, Stephen R. <Sbasser@barrack.com>; Ward, Sam M. <sward@barrack.com>; Rachel Fitzpatrick <rachelf@hbsslaw.com>  
**Subject:** RE: In re Chrysler Pacifica Fire Recall Products Liability Litigation - FCA US LLC's Letter re Discovery

Dennis,

Plaintiffs say that **all** their depositions should be remote because of what is, essentially, the general risk of illness associated with venturing outside one's home. Others apparently have an additional, as-of-yet unknown hardship purportedly making travel "difficult/unsafe." The parties are scheduled to meet-and-confer on Wednesday about the matter, and FCA US has indicated it would ultimately ask for a supporting declaration from those seeking not to appear for an in-person deposition. Plaintiffs then ask for clarification on FCA US's "position" with respect to those declarations.

FCA US's position is that Plaintiffs should appear for in-person depositions in the E.D. of Mich., absent specific facts supported by a declaration or other particularized evidence that shows a "clearly defined" and "serious" hardship or injury. As it relates to departing from that general rule, it isn't clear what Plaintiffs take issue with ...

- i. Do Plaintiffs plan to rely on some risk or hardship that won't be an issue when appearing in-person at trial?
- ii. Do Plaintiffs plan to rely on some risk or hardship that doesn't affect their other travel, obligations, and activities?
- iii. Do Plaintiffs take issue with attesting to specific facts about their circumstances?
- iv. Do Plaintiffs not want to submit any declaration at all?

I'd assume these are matters we can discuss on our Wednesday call, but to be a meaningful discussion it should center on specific, actual information. It's unfairly prejudicial for FCA US to forego the benefits and insight of an in-person deposition because of general illness risks or claims of hardship only to have Plaintiffs show up in-person and *en masse* for trial. And the same is true if Plaintiffs take exception to their in-person appearance but have no issue traveling and showing up for holidays, vacation, or anything else.

Let's please plan to also discuss on Wednesday Plaintiffs' discovery responses as set forth in my Dec. 13 letter.

**Scott H. Morgan**

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**From:** Dennis A Lienhardt <[DAL@millerlawpc.com](mailto:DAL@millerlawpc.com)>

**Sent:** Friday, January 5, 2024 10:53 AM

**To:** Morgan, Scott H. <[SMorgan@thompsoncoburn.com](mailto:SMorgan@thompsoncoburn.com)>; D'Aunoy, Stephen A. <[SDAunoy@thompsoncoburn.com](mailto:SDAunoy@thompsoncoburn.com)>; Azar, Thomas <[TAzar@thompsoncoburn.com](mailto:TAzar@thompsoncoburn.com)>; Perkins, Raymond C. <[RPerkins@thompsoncoburn.com](mailto:RPerkins@thompsoncoburn.com)>; Murray, Donna K. <[DMURRAY@thompsoncoburn.com](mailto:DMURRAY@thompsoncoburn.com)>; 'fred.fresard@kleinthomaslaw.com' <[fred.fresard@kleinthomaslaw.com](mailto:fred.fresard@kleinthomaslaw.com)>; 'ian.edwards@kleinthomaslaw.com' <[ian.edwards@kleinthomaslaw.com](mailto:ian.edwards@kleinthomaslaw.com)>; 'Anne Stackpoole' <[Anne.Stackpoole@kleinthomaslaw.com](mailto:Anne.Stackpoole@kleinthomaslaw.com)>; 'Brandon Boxler' <[Brandon.Boxler@kleinthomaslaw.com](mailto:Brandon.Boxler@kleinthomaslaw.com)>; Cavins, Brenda S. <[BCavins@thompsoncoburn.com](mailto:BCavins@thompsoncoburn.com)>  
**Cc:** E. Powell Miller <[epm@millerlawpc.com](mailto:epm@millerlawpc.com)>; Dana E. Fraser <[DEF@millerlawpc.com](mailto:DEF@millerlawpc.com)>; 'steve@hbsslaw.com' <[steve@hbsslaw.com](mailto:steve@hbsslaw.com)>; 'toml@hbsslaw.com' <[toml@hbsslaw.com](mailto:toml@hbsslaw.com)>; Shelby Smith <[shelby@hbsslaw.com](mailto:shelby@hbsslaw.com)>; 'nmccarthy@cpmlegal.com' <[nmccarthy@cpmlegal.com](mailto:nmccarthy@cpmlegal.com)>; 'kswope@cpmlegal.com' <[kswope@cpmlegal.com](mailto:kswope@cpmlegal.com)>; 'gmb@cglaw.com' <[gmb@cglaw.com](mailto:gmb@cglaw.com)>; Basser, Stephen R. <[Sbasser@barrack.com](mailto:Sbasser@barrack.com)>; Ward, Sam M. <[sward@barrack.com](mailto:sward@barrack.com)>; Rachel Fitzpatrick <[rachelf@hbsslaw.com](mailto:rachelf@hbsslaw.com)>  
**Subject:** RE: In re Chrysler Pacifica Fire Recall Products Liability Litigation - FCA US LLC's Letter re Discovery

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Thanks, Scott.

Just to clarify, FCA's position is that regardless of hardship it won't agree to remote deposition unless they sign a below-described declaration? I want to make sure I understand your position clearly before our call. We'll wait to hear from you on the vehicle inspections.

We are available on Wednesday at 3 pm ET. I will circulate a zoom invite.

Thanks,

**Dennis A. Lienhardt, Jr.**

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**From:** Morgan, Scott H. <[SMorgan@thompsoncoburn.com](mailto:SMorgan@thompsoncoburn.com)>  
**Sent:** Thursday, January 4, 2024 10:24 PM  
**To:** Dennis A Lienhardt <[DAL@millerlawpc.com](mailto:DAL@millerlawpc.com)>; D'Aunoy, Stephen A. <[SDAunoy@thompsoncoburn.com](mailto:SDAunoy@thompsoncoburn.com)>; Azar, Thomas <[TAzar@thompsoncoburn.com](mailto:TAzar@thompsoncoburn.com)>; Perkins, Raymond C. <[RPerkins@thompsoncoburn.com](mailto:RPerkins@thompsoncoburn.com)>; Murray, Donna K. <[DMURRAY@thompsoncoburn.com](mailto:DMURRAY@thompsoncoburn.com)>; 'fred.fresard@kleinthomaslaw.com' <[fred.fresard@kleinthomaslaw.com](mailto:fred.fresard@kleinthomaslaw.com)>; 'ian.edwards@kleinthomaslaw.com' <[ian.edwards@kleinthomaslaw.com](mailto:ian.edwards@kleinthomaslaw.com)>; 'Anne Stackpoole' <[Anne.Stackpoole@kleinthomaslaw.com](mailto:Anne.Stackpoole@kleinthomaslaw.com)>; 'Brandon Boxler' <[Brandon.Boxler@kleinthomaslaw.com](mailto:Brandon.Boxler@kleinthomaslaw.com)>; Cavins, Brenda S. <[BCavins@thompsoncoburn.com](mailto:BCavins@thompsoncoburn.com)>  
**Cc:** E. Powell Miller <[epm@millerlawpc.com](mailto:epm@millerlawpc.com)>; Dana E. Fraser <[DEF@millerlawpc.com](mailto:DEF@millerlawpc.com)>; 'steve@hbsslaw.com' <[steve@hbsslaw.com](mailto:steve@hbsslaw.com)>; 'toml@hbsslaw.com' <[toml@hbsslaw.com](mailto:toml@hbsslaw.com)>; Shelby Smith <[shelby@hbsslaw.com](mailto:shelby@hbsslaw.com)>; 'nmccarthy@cpmlegal.com' <[nmccarthy@cpmlegal.com](mailto:nmccarthy@cpmlegal.com)>; 'kswope@cpmlegal.com' <[kswope@cpmlegal.com](mailto:kswope@cpmlegal.com)>; 'gmb@cglaw.com' <[gmb@cglaw.com](mailto:gmb@cglaw.com)>; Basser, Stephen R. <[Sbasser@barrack.com](mailto:Sbasser@barrack.com)>; Ward, Sam M. <[sward@barrack.com](mailto:sward@barrack.com)>; Rachel Fitzpatrick <[rachelf@hbsslaw.com](mailto:rachelf@hbsslaw.com)>  
**Subject:** RE: In re Chrysler Pacifica Fire Recall Products Liability Litigation - FCA US LLC's Letter re Discovery

Dennis,

We're happy to discuss remote depositions for those plaintiffs who are willing to attest in a declaration that they have not traveled, are not traveling, and do not plan to travel (including to

attend any trial in this matter) because of their concerns about Covid, the flu, RSV, or "other viruses," or because of a specific hardship as you refer to below.

We could be available for a call Monday after 12:30 ET, Tuesday between 11:30 and 4:00 ET, or Wednesday between 2:00 and 5:00 ET. Do any of those times work for you?

For the vehicle inspections, your suggestion makes sense. We're discussing internally and will get back to you.

**Scott H. Morgan**

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**From:** Dennis A Lienhardt <[DAL@millerlawpc.com](mailto:DAL@millerlawpc.com)>

**Sent:** Tuesday, January 2, 2024 4:21 PM

**To:** D'Aunoy, Stephen A. <[SDAunoy@thompsoncoburn.com](mailto:SDAunoy@thompsoncoburn.com)>; Azar, Thomas <[TAzar@thompsoncoburn.com](mailto:TAzar@thompsoncoburn.com)>; Morgan, Scott H. <[SMorgan@thompsoncoburn.com](mailto:SMorgan@thompsoncoburn.com)>; Perkins, Raymond C. <[RPerkins@thompsoncoburn.com](mailto:RPerkins@thompsoncoburn.com)>; Murray, Donna K. <[DMURRAY@thompsoncoburn.com](mailto:DMURRAY@thompsoncoburn.com)>; 'fred.fresard@kleinthomaslaw.com' <[fred.fresard@kleinthomaslaw.com](mailto:fred.fresard@kleinthomaslaw.com)>; 'ian.edwards@kleinthomaslaw.com' <[ian.edwards@kleinthomaslaw.com](mailto:ian.edwards@kleinthomaslaw.com)>; 'Anne Stackpoole' <[Anne.Stackpoole@kleinthomaslaw.com](mailto:Anne.Stackpoole@kleinthomaslaw.com)>; 'Brandon Boxler' <[Brandon.Boxler@kleinthomaslaw.com](mailto:Brandon.Boxler@kleinthomaslaw.com)>; Cavins, Brenda S. <[BCavins@thompsoncoburn.com](mailto:BCavins@thompsoncoburn.com)>

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**Subject:** RE: In re Chrysler Pacifica Fire Recall Products Liability Litigation - FCA US LLC's Letter re Discovery

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Counsel,

We have reviewed your December 13<sup>th</sup> letter and are preparing a formal response regarding the Interrogatory and Request for Production issues you have raised. As for depositions of the Named Plaintiffs, we believe, given the health risks posed by COVID-19, the flu, RSV, and other viruses, that travel to the Eastern District of Michigan for nearly 70 Plaintiffs would be unduly burdensome, impose hardships, and be inefficient, especially with the availability of Zoom, which FCA has used without issue in other cases in this District. Additionally, many Plaintiffs have specific hardships (which we are happy to discuss with you) that make travel especially difficult/unsafe. Please let us know when you have time to discuss.

Turning to a separate issue. Does FCA intend to conduct vehicle inspections of each Plaintiff's vehicle? If so, we are aware that a recent recall notice went out to Plaintiffs regarding Recall 23V-010 (loss of motive power). The recall notice instructs Plaintiffs to contact their dealerships to schedule the offered software update. We would offer these

dealership visits as FCA's opportunity to inspect the vehicles in conjunction with this case so that Plaintiffs do not have to be without their vehicles twice. Of course, we are happy to work with you on scheduling these visits to ensure you are available. Please let us know.

Thanks,

**Dennis A. Lienhardt, Jr.**

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---

**From:** Cavins, Brenda S. <[BCavins@thompsoncoburn.com](mailto:BCavins@thompsoncoburn.com)>

**Sent:** Wednesday, December 13, 2023 5:28 PM

**To:** E. Powell Miller <[epm@millerlawpc.com](mailto:epm@millerlawpc.com)>; Sharon S. Almonrode <[ssa@millerlawpc.com](mailto:ssa@millerlawpc.com)>; Dennis A Lienhardt <[DAL@millerlawpc.com](mailto:DAL@millerlawpc.com)>; Dana E. Fraser <[DEF@millerlawpc.com](mailto:DEF@millerlawpc.com)>; 'sbasser@barrack.com' <[sbasser@barrack.com](mailto:sbasser@barrack.com)>; [sward@barrack.com](mailto:sward@barrack.com); 'steve@hbssl.com' <[steve@hbssl.com](mailto:steve@hbssl.com)>; 'toml@hbssl.com' <[toml@hbssl.com](mailto:toml@hbssl.com)>; 'nmccarthy@cpmlegal.com' <[nmccarthy@cpmlegal.com](mailto:nmccarthy@cpmlegal.com)>; 'kswope@cpmlegal.com' <[kswope@cpmlegal.com](mailto:kswope@cpmlegal.com)>; 'gmb@cglaw.com' <[gmb@cglaw.com](mailto:gmb@cglaw.com)>

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**Subject:** In re Chrysler Pacifica Fire Recall Products Liability Litigation - FCA US LLC's Letter re Discovery

Counsel,

Please see attached letter sent on behalf of Scott Morgan re discovery.

**Brenda S. Cavins**

Paralegal

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